HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2345 of 2006

Petitioner : Devendra Kumar Tiwari Aged - 42 years, Son of Shri Salik Ram Tiwari Posted as - L.D.T., At - S.S. Kalibadi Hr. Sec. School, Kalibadi, Raipur, District - Raipur (C.G.)
R/o H.No. Bhaiya Talab, Near Shiv Mandir, Subhash Nagar, Raipur, District - Raipur (C.G.)

Versus

Respondents :
1. State of Chhattisgarh, Through- the Secretary, School Education Department, Mantralaya, D.K.S. Bhawan, Raipur
2. The Director, Public Instructions, Chhattisgarh, Head Quarter at - Raipur
3. The Governing Body of Kalibadi Shiksa Samati. Through - Its School Secretary, S.S. Kali Badi Hr. Sec. School, Kalibadi, Raipur (C.G.)

WRIT PETITION U/A - 226 & 227 OF CONSTITUTION OF INDIA

SB Hon'ble Justice Shri Satish K. Agnihotri

Present: Mr. R.K. Kesharwani, counsel for the petitioner.
Ms. Deepali Pandey, Panel lawyer for the respondents/State

ORDER

(Passed on this 16th day of April, 2007)

1. The question of law involved herein is whether the non-teaching staff working in Government aided school are entitled to the benefit of recommendations of the Fifth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 (henceforth 'the Adhiniyam, 1978') and the rules made thereunder read with the Madhya Pradesh Revision of Pay Rules, 1988 (henceforth 'the Pay Rules, 1988').

2. Learned counsel appearing for the petitioner submits that the terms and conditions of the teaching and non-teaching staff are governed by the same provisions of law which were under consideration by this Court in

the matter of Smt. A. Lall vs. State of Chhattisgarh and other connected matters (W.P. No. 4108 of 2005), wherein by the judgment and order dated 6.2.2007, this Court held that the petitioners who are working in fully Government aided private schools are entitled to the revised pay-scales with effect from 1.1.1996 as prescribed under the Pay Rules, 1988. This Court further for the purpose of payment of arrears had granted certain direction.

3. Admittedly and jointly, it is submitted by the parties that this matter is squarely covered by the judgment and order dated 6.2.2007 passed by this Court in the case of Smt. A. Lall vs. State of Chhattisgarh and other connected matters (Supra).

4. As a result, for the reasons stated in the judgment and order dated 6.2.2007 passed in W.P. No. 4108 of 2005 (Smt. A. Lall vs. State of Chhattisgarh and other connected matters) (Supra), the writ petition is allowed in the same terms and conditions.

Sd/-
Satish K. Agnihotri
Judge

Thakur